

SM Exhibit C

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -
5 ADRIAN SCHOOLCRAFT,
6 Plaintiff,
7 -against- Index No.
10CIV-6005 (RWS)

8
9 THE CITY OF NEW YORK, DEPUTY CHIEF
10 MICHAEL MARINO, Tax Id. 873220,
Individually and in his Official
11 Capacity, ASSISTANT CHIEF PATROL
BOROUGH BROOKLYN NORTH GERALD NELSON,
12 Tax Id. 912370, Individually and in his
Official Capacity, DEPUTY INSPECTOR
13 STEVEN MAURIELLO, Tax Id. 895117,
Individually and in his Official
14 Capacity, CAPTAIN THEODORE LAUTERBORN,
Tax Id. 897840, Individually and in his
15 Official Capacity, LIEUTENANT JOSEPH
GOFF, Tax Id. 894025, Individually and
16 in his Official Capacity, stg. Frederick
Sawyer, Shield No. 2576, Individually
17 and in his Official Capacity, SERGEANT
KURT DUNCAN, Shield No. 2483,
18 Individually and in his Official
Capacity, LIEUTENANT TIMOTHY CAUGHEY,
19 Tax Id. 885374, Individually and in his
Official Capacity, SERGEANT SHANTEL
20 JAMES, Shield No. 3004, and P.O.'s "JOHN
DOE" 1-50, Individually and in their
21 Official Capacity (the name John Doe
being fictitious, as the true names are
22 presently unknown) (collectively referred
to as "NYPD defendants"), JAMAICA
23 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,
Individually and in his Official
24 Capacity, DR. LILIAN ALDANA-BERNIER,
Individually and in her Official Capacity
25 and JAMAICA HOSPITAL MEDICAL CENTER
EMPLOYEES "JOHN DOE" # 1-50, Individually

(Continued)

1
2 and in their Official Capacity (the name
3 John Doe being fictitious, as the true
4 names are presently unknown),

5 Defendants.

6 - - - - -x

7 444 Madison Avenue
8 New York, New York
December 20, 2013
10:16 a.m.

9
10 VIDEOTAPED DEPOSITION of DEPUTY
11 INSPECTOR STEVEN MAURIELLO, one of the
12 Defendants in the above-entitled action,
13 held at the above time and place, taken
14 before Margaret Scully-Ayers, a Shorthand
15 Reporter and Notary Public of the State
16 of New York, pursuant to the Federal
17 Rules of Civil Procedure.

18
19 * * *
20
21
22
23
24
25

1 S. MAURIELLO

2 quarterly reports. I looked. It's
3 documented.

4 I talked to the lieutenant, and
5 the lieutenants said, "Listen I tried. I
6 sat down with him. He doesn't want to
7 work. There is something wrong. He's
8 either lazy or he doesn't care." Then I
9 talked the admin lieutenant.

10 THE REPORTER: Who?

11 A. Admin. And then we had the
12 appeal. In the appeal, you know, they
13 came out, and they talked to him. His
14 own delegate, the cop, if you listen to
15 the tape even said to him, "Everybody is
16 here to try to help you. No one is here
17 looking to hurt you."

18 He brings up five years -- this
19 is the first I ever heard, and you hear
20 me on the tape saying "I didn't know
21 that."

22 I didn't know that when he
23 first came on the job, he was in the
24 seven five, then he came to the eight
25 one. He was active. They put him in a

1 S. MAURIELLO

2 conditions unit. I said, "Really, you
3 were in a conditions unit? I didn't know
4 that."

5 I didn't know that he had
6 issues, he took a leave of absence. I
7 never knew that. I didn't know about --
8 he start saying about FBI, IAB, civil
9 rights. I don't know anything about this
10 stuff.

11 You hear me on the tape. I
12 said, "We are all trying to help you."

13 And I kind of give a speech,
14 "When life knocks you down, you have to
15 get back up."

16 Q. The FBI, what are you referring
17 to when you say "the FBI"?

18 A. That's what Officer Schoolcraft
19 was staying on the tape. He's being
20 investigated by the FBI, the civil rights
21 something. We didn't know. I never
22 heard of this stuff.

23 And Lieutenant Delafuente says
24 to him, "I asked you numerous times
25 during the year, did you have anything

1 S. MAURIELLO

2 Q. Did you sign the log when you
3 came in?

4 A. I believe so.

5 Q. That would be a regular
6 practice of yours?

7 A. Yes.

8 Q. And what happened when you
9 entered the precinct?

10 A. I entered the precinct, and
11 when I entered in, Officer Schoolcraft
12 was going down to the locker room. I
13 said, "Hello, Adrian. How are you?" He
14 went down to the locker room. I went
15 behind the desk. I signed in. I dropped
16 everything in my office, the candy and
17 everything.

18 When I came back out, Sergeant
19 Hoffman told me, "Officer Schoolcraft
20 left. He said he was sick. He dropped a
21 28 on my desk, and he said he is
22 leaving."

23 Q. So when you walked into the
24 precinct that day, you saw Officer
25 Schoolcraft and you said hello to him?

1 S. MAURIELLO

2 Q. She was the desk sergeant at
3 the time, right?

4 A. Yes.

5 Q. Where did that conversation
6 between you and Hoffman take place?

7 A. I believe behind the desk.

8 Q. Was anybody else a party to
9 that conversation?

10 A. I don't know.

11 Q. What did you do as a result of
12 getting this information from Hoffman?

13 A. I said, "Does Captain
14 Lauterborn know about this?" She said,
15 "Yeah." I said, "Okay. Is he handling
16 it?" She said, "Yeah." I said, "Do me a
17 favor, try to call him on the phone.
18 Have him come back to the precinct."

19 Then I said, "If you can't get
20 in touch with him later on, call the 104
21 and have a supervisor go to his command.
22 Make sure he is all right."

23 Q. Was that one conversation that
24 you had with Hoffman or a series of
25 conversations?

1 S. MAURIELLO

2 sure he was all right?"

3 She said she was calling and
4 calling. No one picked up the phone.

5 Q. That was all the same
6 conversation a few minutes after you
7 entered the precinct, right?

8 MR. KRETZ: Objection.

9 A. Like five to ten minutes after.

10 Q. During that discussion that you
11 had with Hoffman, did she say anything
12 else to you?

13 A. She said that he dropped a
14 stack of papers. He said he wasn't
15 feeling good with a 28, "I'm going sick."
16 She said, "You can't go sick." She
17 wanted to call an ambulance. He came
18 back up. She started telling him "You
19 can't go sick" --

20 THE REPORTER: You have to slow
21 down.

22 A. -- "I'm calling an ambulance.
23 You have to stay here. He said he didn't
24 want to stay. She said, "You have to
25 properly fill out the paperwork. With

1 S. MAURIELLO

2 what I was doing. That's the official
3 one 'cause the borough lined it off.

4 Q. After the second conversation
5 that you had with Chief Nelson on October
6 31st, what did you do next?

7 A. I was in the office and then
8 Chief Marino showed up sometime later.

9 Q. How much time later after the
10 second conversation with Nelson did
11 Marino show up?

12 A. Fifteen, 25 minutes.

13 Q. Did you have any discussion
14 with Chief Marino?

15 A. He came into my office.

16 Q. Did he say anything to you, did
17 you say anything to him?

18 A. He said, "I heard one of your
19 officers left the command, went AWOL.
20 They think that he was home. They have
21 got information he was home. They hear
22 somebody walking upstairs. Let's take a
23 ride over there."

24 Q. What was your understanding of
25 the source of Marino's information?

1 S. MAURIELLO

2 A. I don't know who talked to him.

3 Q. He didn't tell you?

4 A. Nope.

5 Q. Did you believe that he had
6 been sent over to the eight one by
7 Nelson?

8 A. I don't know.

9 Q. I know you don't know that
10 because Nelson didn't tell you that. My
11 question is different.

12 Did you believe that Marino was
13 at the eight one because Nelson told him
14 to go there?

15 MS. PUBLICKER METTHAM:

16 Objection.

17 A. I don't know why Marino showed
18 up to the eight one. I don't know who
19 told him to come. I don't know if he
20 came on his own.

21 Q. At that time your direct
22 supervisor was Marino in the chain of
23 command?

24 A. I dealt with Chief Nelson. He
25 is the head of the borough so usually if

1 S. MAURIELLO

2 you have a problem going on at the
3 precinct, a shooting or a cop -- a
4 community arrest, he was going to get the
5 phone call right away from the PC so I
6 deal with the chief.

7 Q. And Marino reports directly to
8 the chief, right?

9 A. Yes.

10 Q. So did you believe that the
11 reason why Marino was at the eight one
12 was because Nelson sent him there?

13 MS. PUBLICKER METTHAM:

14 Objection.

15 A. I said I don't know.

16 Q. I know you didn't know. Do you
17 believe that was the reason?

18 MS. PUBLICKER METTHAM:

19 Objection.

20 THE WITNESS: Isn't I don't know
21 an answer?

22 MR. KRETZ: Did you have that
23 belief when he walked into your
24 office, he was sent there by Nelson?

25 THE WITNESS: I didn't know.

1 S. MAURIELLO

2 Maybe yes, maybe no. I don't know.

3 Q. Did you discuss anything else
4 with Marino?

5 A. No. I said, "Let's go."

6 Q. What did you do next?

7 A. Went outside, I saw Lieutenant
8 Crawford. I don't know where the 104 is.
9 I never worked in Queens. He used to be
10 a sergeant there. Lieutenant Crawford
11 drove me in my car.

12 Q. What kind of car is that?

13 A. I believe a gray truck.

14 Q. Is that a department car?

15 A. Yes, sir.

16 Q. A gray truck?

17 A. Yes, a truck like I forget. I
18 had a couple of cars. I forget.

19 Q. How long did it take you to get
20 to Officer Schoolcraft's apartment?

21 A. About 15 minutes.

22 Q. And Crawford drove you?

23 A. Yes, sir.

24 Q. When you got there, did you get
25 out of the car?

1 S. MAURIELLO

2 A. Yes, sir.

3 Q. Did Crawford also get out of
4 the car?

5 A. Yes.

6 Q. Who was at the scene when you
7 got there?

8 A. When I got there, Chief Marino
9 was following us in his car. We walked
10 up, it was Captain Lauterborn was on the
11 sidewalk with Brooklyn North
12 investigations, ESU, EMS personnel were
13 there, Lieutenant Brosschart was there,
14 sergeant from the 104 was there with a
15 couple of cops and the CO of 104 was
16 there, Deputy Inspector Green.

17 Q. Who from Brooklyn North was
18 there?

19 A. I think Hawkins [phonetic],
20 Gough, and I forget the other one there.

21 MS. PUBLICKER METTHAM:

22 G-O-U-G-H.

23 Q. Did you know the Brooklyn North
24 investigations officers who were there?

25 A. Yes.

1 S. MAURIELLO

2 Q. What happened next?

3 A. We were outside Chief Marino
4 comes up, huddles everybody up, gets an
5 update. At the time the landlord the
6 husband and wife were there talking.
7 They gave a key I think to Captain
8 Lauterborn and discussing what was going
9 on. They were pretty adamant that
10 Officer Schoolcraft was home.

11 Q. Who was adamant?

12 A. The landlord.

13 Q. Did you have any discussions
14 with either the landlord or the landlady?

15 A. No.

16 Q. Were you present when anybody
17 else had any discussions with either the
18 landlord or the landlady?

19 A. After they gave the key to
20 Captain Lauterborn, they stepped back.
21 Chief Marino was handling the scene. He
22 was the highest ranking.

23 Q. Were you present when
24 Lauterborn was discussing getting the key
25 from the landlord?

1 S. MAURIELLO

2 MS. PUBLICKER METTHAM:

3 Objection.

4 MR. KRETZ: Objection.

5 A. I believe we were walking up,
6 we were walking up out of the car, they
7 were talking.

8 Q. So when you got to the scene,
9 you saw Lauterborn discussing or talking
10 with the landlord and the landlady?

11 A. The husband and the wife.

12 Q. Let's call them the husband and
13 wife. Did you see them hand the key to
14 him?

15 A. No.

16 Q. Did he already have the key by
17 then?

18 A. They probably already gave him
19 the key, yes.

20 Q. Did either the husband or the
21 wife, the landlady and the landlord, say
22 anything to you?

23 A. No.

24 Q. Did they say anything in your
25 presence that you heard?

1 S. MAURIELLO

2 A. No.

3 Q. What happened next?

4 A. Chief Marino huddled everybody
5 up to find out what's going on. We have
6 the key. He decided to have ESU go
7 upstairs with him and the rest of us to
8 knock on the door to see if Adrian would
9 open the door if he was all right.

10 We were worried about his
11 safety, you know. God forbid he hurt
12 himself.

13 Q. So Marino was in control at the
14 scene?

15 A. Yes.

16 Q. He made a decision to go
17 upstairs with ESU leading?

18 A. Yes.

19 Q. Were you in uniform?

20 A. Yes.

21 Q. Was Marino in uniform?

22 A. Yes.

23 Q. How was ESU attired?

24 A. They were in uniform, but they
25 had no helmets on, no hat, no protective

1 S. MAURIELLO

2 gear, just like they got out of the car,
3 regular uniform.

4 Q. Were you armed?

5 A. Yes.

6 Q. What were you armed with?

7 A. My 9 mm.

8 Q. Anything else?

9 A. No.

10 Q. What about anybody else, was
11 anybody else armed?

12 A. Yes.

13 Q. Who?

14 A. Everyone was working: Chief
15 Marino, Captain Lauterborn, Lieutenant
16 Brosschart was armed, investigations were
17 armed.

18 Q. Was Brooklyn investigations,
19 were they in uniform?

20 A. No.

21 Q. They were in plainclothes?

22 A. Yes, sir.

23 Q. Lauterborn was in uniform?

24 A. Yes, sir.

25 Q. Where was your 9 mm?

1 S. MAURIELLO

2 A. My gun holster. I had my duty
3 belt on.

4 Q. And Lauterborn had a gun in his
5 holster?

6 A. Yes.

7 Q. And Lauterborn had a gun in his
8 holster?

9 A. Yes, we were all in uniform.

10 Q. And Brosschart, he had a gun on
11 his holster or his belt too?

12 A. I believe on his belt, yes.

13 MS. PUBLICKER METTHAM:

14 Objection.

15 Q. And ESU had guns on their belts
16 as well?

17 A. Yes.

18 Q. How many ESU people were there?

19 A. Off the top of my head, I don't
20 remember. At least three.

21 Q. Am I correct that a group of
22 you then went upstairs to the second
23 floor of the house?

24 A. Yes.

25 Q. And ESU was in front; is that

1 S. MAURIELLO

2 correct?

3 A. Yes, sir.

4 Q. Who was directly behind them?

5 A. Chief Marino.

6 Q. Who was behind Marino?

7 A. Myself and Captain Lauterborn.

8 Q. What happened next?

9 A. ESU knocked on the door,
10 "Adrian, are you home? Adrian, are you
11 home?" No response.

12 They hear the TV going. They
13 use the key and opened it up like 6
14 inches and peeked in. They can see him
15 sitting down in the bed. They opened the
16 door. They said, "Adrian, we are worried
17 about you. What's going on? Don't you
18 hear us knocking on the door?" And
19 everybody walked in the apartment.

20 Q. At any time before they open
21 the door, did anybody draw their gun?

22 A. No.

23 Q. So everybody who had a gun, as
24 far as you know, had their gun in their
25 holster, right?

1 S. MAURIELLO

2 might have hurt himself. Nobody was
3 going in there defensive, he was going to
4 hurt us. We were there to help him.

5 Q. I understand what you were
6 thinking --

7 MR. KRETZ: Let him continue,
8 please.

9 MR. SMITH: Yes.

10 A. Were in there to help him and
11 not hurt him. At no time did anybody
12 have his gun out. At no time were we
13 going in there and roust him off his bed.
14 I was in there. You can hear the tape.
15 I come off concerned. I was. We all
16 were.

17 Q. Inspector, you said he came at
18 you twice, right?

19 A. He walked toward me twice.

20 Q. He came up to your face twice,
21 right?

22 A. Yes, sir.

23 Q. Did you feel at all concerned
24 on either occasion that Officer
25 Schoolcraft was going to strike you?

1 S. MAURIELLO

2 A. Got close to my face, I took a
3 step back. I don't know if he's
4 disorientated. I don't know what is
5 going on. He took another step towards
6 me again. I talked to him and I said,
7 "Teddy, handle it." I excused myself
8 from the situation.

9 Q. Inspector, you are not
10 answering my question. I want to know
11 whether or not when Officer Schoolcraft
12 got in your face the first time or the
13 second time, did you feel he was acting
14 in a threatening manner towards you?

15 A. Yes.

16 Q. Did anybody in the room take
17 any action in response to that?

18 A. No.

19 Q. You just stepped back and
20 exited from the circumstance; is that
21 right?

22 A. Yes.

23 Q. Did you tell Officer
24 Schoolcraft, well, you are going to come
25 back to the precinct with us?

1 S. MAURIELLO

2 A. I don't recall saying that.

3 Q. You don't remember saying that?

4 A. No.

5 MS. PUBLICKER METTHAM: Are you
6 going to mark a CD as an exhibit?

7 MR. SMITH: I'm not going to
8 mark the CD. It's a CD we all know
9 very well.

10 MR. KRETZ: You better mark it.

11 MR. SMITH: There is no CD.
12 It's in here.

13 MS. PUBLICKER METTHAM: Which CD
14 does it comes from?

15 MR. SMITH: I will do that at a
16 later date.

17 MS. PUBLICKER METTHAM: I really
18 prefer you do that today.

19 MR. SMITH: I can't do it now.
20 You're going to have to suffer through
21 with me.

22 MS. PUBLICKER METTHAM: That's
23 not acceptable for you to play a
24 recording and not be able to tell us
25 where it's from.

1 S. MAURIELLO

2 MR. KRETZ: Why don't I go get
3 the disc and you tell me which one.

4 MR. SMITH: You guys are going
5 to stick me with the seven hours. I'm
6 not going to waste a lot of time. You
7 are interpreting my examination. I'm
8 playing a recording produced in this
9 case.

10 MS. PUBLICKER METTHAM: By whom?

11 MR. SMITH: By --

12 MS. PUBLICKER METTHAM: By
13 defendant or plaintiff?

14 MR. SMITH: By the Plaintiff.

15 Labeled S-D, dash, 50,
16 underscore, 31, October 2009,
17 underscore, home invasion, dot, WMA.

18 I'm going to be playing an
19 excerpt of that from two minutes to
20 two minutes and 48 seconds.

21 [Whereupon, a recording is
22 playing.]

23 MR. SMITH: I'm stopping this
24 recording at two minutes and 43
25 seconds.

1 S. MAURIELLO

2 Q. Is that your voice, Inspector
3 Mauriello, saying that the last you saw
4 Officer Schoolcraft was back at the
5 precinct and you were worried about him?

6 A. Yes, we were all worried about
7 your safety and wellbeing.

8 MR. KRETZ: That's your voice?

9 Q. That's your voice, right?

10 A. Yes.

11 MR. SMITH: I'm going to play
12 the recording at 2.48.

13 [Whereupon, a recording is
14 playing.]

15 Q. Did you just hear that part of
16 the tape which says, "Well, you're gonna
17 come back to the precinct with us"?

18 A. Yes.

19 Q. Was that your voice?

20 A. Sounded like me, yes.

21 Q. Do you have any reason to think
22 that wasn't you?

23 A. Who knows if he spliced tapes,
24 I don't know.

25 Q. You can speculate about a lot

1 S. MAURIELLO

2 of things.

3 Sitting here today, I'm asking
4 you whether you have any reason to
5 believe that wasn't your voice?

6 A. That's my voice.

7 Q. So you did tell Officer
8 Schoolcraft, "Well, you're going to come
9 back to the precinct with us"; isn't that
10 right?

11 A. Yes.

12 Q. So playing that piece of the
13 recording refreshes your recollection
14 about that; is that fair to say?

15 A. Yes, it does, sir.

16 Q. Why did you tell Officer
17 Schoolcraft that he was going to come
18 back to the precinct with you?

19 A. Because he left the precinct.
20 It was discussed with Chief Marino he was
21 there and he was AWOL. We were making
22 sure he didn't hurt himself. He left the
23 precinct without permission so....

24 Q. Is there some provision in the
25 patrol guide that authorized you to go

1 S. MAURIELLO

2 into Officer Schoolcraft's home and order
3 him to return to the precinct because he
4 was absent without leave?

5 MR. KRETZ: Objection.

6 MS. PUBLICKER METTHAM:

7 Objection.

8 A. First of all, we went to the
9 house to make sure he didn't hurt
10 himself. You hear me saying that on the
11 tape. So that was the reason. We're
12 making sure he was all right. We're
13 worrying he had his gun and shield taken.
14 We don't know what's the reason for. He
15 don't answer the phone. He doesn't
16 answer anybody's phone calls. He was not
17 answering the door when they're knocking
18 on the door. He's not answering the
19 door. All right, God forbid if he hung
20 himself, took pills, carbon monoxide, who
21 knows. We are going there for his well
22 being.

23 Now, his well being is all
24 right, now, he's got to answer why you
25 left the precinct.

1 S. MAURIELLO

2 Q. So when you entered the
3 apartment and you saw he was watching
4 television?

5 A. The television was on.

6 Q. Physically, he was fine, right?

7 MR. KRETZ: Objection.

8 MS. PUBLICKER METTHAM:

9 Objection.

10 A. His hair was sticking up, his
11 eyes were beat red like a possum.

12 Q. Didn't you just testify you
13 were concerned about his well being and
14 now you can see he was okay and now
15 you're moving onto whether or not he's
16 going to have to answer for leaving?

17 MR. KRETZ: Now you're trying to
18 get him to make a statement about his
19 health condition. You're asking too
20 much.

21 MR. SMITH: I want his opinion.
22 I appreciate you don't interrupt.

23 A. I went in there. I said that.
24 He got confrontational in my face. I
25 removed myself from the situation, and

1 S. MAURIELLO

2 that's it.

3 Q. You are not answering my
4 question, Inspector. You're not
5 answering any of the questions that I
6 have been asking you on this subject so I
7 will start again.

8 MR. KRETZ: Objection to your
9 characterization. That's really
10 uncalled for and inaccurate.

11 MR. SMITH: Fine. I will
12 rephrase the question.

13 MR. KRETZ: Withdraw the
14 comment, that would be better.

15 MR. SMITH: I will restate my
16 question.

17 Q. Is there anything in the patrol
18 guide or the administrative guide or
19 anything else that you can point me to
20 that gave you the authority to go into
21 his apartment and order him back to the
22 precinct?

23 MR. KRETZ: Objection.

24 MS. PUBLICKER METTHAM:
25 Objection.

1 S. MAURIELLO

2 A. We went to make sure he was all
3 right. The patrol guide, yes. He went
4 AWOL. Now it's an unusual situation,
5 very bizarre. He had no gun and shield
6 for a reason.

7 We find out when I get to the
8 scene that Captain Lauterborn said he
9 talked to Dr. Lanstein [phonetic], and he
10 has anger and resentment for the job and
11 to the precinct so now we're worrying God
12 forbid he hurt himself. So if we don't
13 knock on the door if cops didn't stay
14 there for four or five hours to make sure
15 that he didn't hurt himself, then what?

16 Q. Is that your answer to my
17 question?

18 A. Yes.

19 Q. Did the patrol guide procedure
20 on being absent without leave authorize
21 you to go into his apartment?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. I was not the senior commanding
25 officer on that scene.

1 S. MAURIELLO

2 Q. That's not an answer.

3 A. Chief Marino was handling the
4 decisions. That's it.

5 Q. Earlier that day you looked at
6 the AWOL patrol guide procedure, didn't
7 you?

8 A. I could correct you now because
9 AWOL procedure is usually when you don't
10 show up to work not when you leave work.
11 See he left work. Now that procedure is
12 different. Usually, the person doesn't
13 come it the first four hours you're
14 looking around at time records, did he
15 put a 28 in, call this, call that. He
16 left work without permission. He just
17 left, gone.

18 Q. I'll restate the question
19 again: Is there anything in the
20 administrative guide, the patrol guide,
21 or anyplace else that you can point me to
22 which gives you the authority or anybody
23 else at the scene the authority to go
24 into his apartment and order him back to
25 the 81st Precinct?

1 S. MAURIELLO

2 MS. PUBLICKER METTHAM:

3 Objection.

4 A. At the time he was not only
5 AWOL, it was emotional status. If you
6 want to look at that, it could be
7 emotionally disturbed. You are
8 emotionally disturbed, you are allowed to
9 go in with a key, the landlord/tenant
10 opens the door for you.

11 Q. When you are saying you are
12 allowed to go in, what you referring to?

13 A. If someone -- this is
14 considered a barricade situation if
15 you're not answering the door here four
16 hours, five hours; meanwhile, he is on
17 tape with his father setting this whole
18 thing up.

19 Q. Did you conclude had that
20 Officer Schoolcraft was an EDP?

21 A. I didn't say that. I don't
22 know what happened. You're asking me why
23 do we have cops out there four, five
24 hours to make sure he's all right.

25 Q. I'm asking you a different

1 S. MAURIELLO

2 discussion about what you are going to do
3 as a group if Officer Schoolcraft was
4 inside the apartment and he was
5 physically seeming fine, right?

6 A. Yes.

7 Q. Who said what about that?

8 A. Chief Marino.

9 Q. What did Chief Marino say?

10 A. We were here to make sure he
11 didn't hurt himself, God forbid he hurt
12 himself. If we go in there and we
13 realize he didn't hurt himself, he was
14 playing a game, he left work, then he has
15 to go back to the precinct and conduct an
16 investigation with GOs.

17 Q. What did you mean by GOs?

18 A. Getting interviewed on the tape
19 under oath. They get the department
20 lawyer to come and sit there with you.
21 They interview you: Why did you leave?
22 Why this? It's an investigation.

23 Q. Is it your understanding that
24 the police department has the authority
25 to compel an officer to go forward with

1 S. MAURIELLO

2 that type of investigation on the spot
3 against that person's will?

4 MS. PUBLICKER METTHAM:

5 Objection.

6 A. I wasn't in the apartment. I
7 don't know happened afterward. I'm
8 telling you we went there to make sure he
9 was all right.

10 Q. Had you ever before directed an
11 officer to return to the precinct or the
12 command for an investigation?

13 A. Yes.

14 Q. How many times did that happen?

15 A. Numerous times: Off-duty
16 incidents, an allegation a wife said
17 something MOS did, the husband. You
18 bring both parties in and you find out,
19 especially, when there is a weapon
20 related to it.

21 Q. On any of those occasions, did
22 any of members of service refuse to go?

23 A. No.

24 Q. Am I correct this is the first
25 time that an officer was ordered to go

1 S. MAURIELLO

2 back to the precinct to conduct an
3 investigation and when ordered, refused
4 to go?

5 MS. PUBLICKER METTHAM:

6 Objection.

7 MR. KRETZ: Objection.

8 A. I was in the middle of street.
9 He walked on his own on the phone. He
10 willingly went.

11 Q. You don't remember Officer
12 Schoolcraft saying, "I will go but it's
13 against my will"?

14 A. He said that but he was not
15 saying it to me, only he was saying it to
16 the chief, ESU, and everybody else in the
17 apartment. He was making a record. He
18 had a phone open. His father was
19 listening to the whole conversation on
20 the phone.

21 Q. Putting aside whatever you
22 subscribe as his motivation to what he
23 was saying, the fact is he told you he
24 didn't want to go back to the 81st
25 Precinct; isn't that right?

1 S. MAURIELLO

2 A. Right. I excused myself from
3 the situation right after.

4 Q. And he made it clear he didn't
5 want to go back; isn't that true?

6 A. And I excused myself right
7 after that.

8 Q. Is it correct that Officer
9 Schoolcraft made it clear to you he
10 didn't want to back to the 81st --

11 A. He said, "I'll go" but I guess
12 it's against my will. He said "I'll go."
13 He didn't say I'm not going. He said,
14 "I'll go."

15 MR. SMITH: I'm going to
16 continue the recording at 2.50.

17 [Whereupon, a recording is
18 playing.]

19 MR. SMITH: All right. I'm
20 going to stop the recording right now
21 at 3.34 and whatever the measurement
22 system is for this recording.

23 Q. After a period of time you left
24 the apartment; is that right?

25 A. After I talked, right away he

1 S. MAURIELLO

2 stepped to my face again, and I stepped
3 out. I said, "Teddy, you handle this."
4 I removed myself from the situation.

5 Q. So once you said, Teddy --

6 A. I'm gone.

7 Q. -- and you went down to the
8 street.

9 THE REPORTER: Slow down.

10 Q. Now we have listened to the
11 rest of the excerpt of the tape from 2:50
12 to 3:34, do you agree with me that
13 Officer Schoolcraft made it clear to you
14 that he didn't want to go back to the
15 eight one?

16 MR. KRETZ: Objection.

17 A. He said those words. Yes,
18 that's what he said.

19 Q. And when you went back down to
20 the street, what did you do?

21 A. I stood in the middle of the
22 street. Lieutenant Crawford was out
23 there and Deputy Inspector Green.

24 Q. Did you speak with anybody?

25 A. I talked to Lieutenant Crawford

1 S. MAURIELLO
2 and Deputy Inspector Green.

3 Q. What does Deputy Inspector
4 Green look like?

5 A. He had a beard. He was in
6 plainclothes.

7 Q. How was he dressed?

8 A. He had a windbreaker on and
9 jeans, the NYPD windbreaker, and the
10 shield on this neck.

11 Q. Dark blue NYPD windbreaker --

12 A. Yes.

13 Q. -- or the light blue one?

14 A. The dark one.

15 Q. With the word "NYPD" in gold or
16 silver on the back?

17 A. Yeah. Yes.

18 Q. How old is Green?

19 A. Forty.

20 Q. While male?

21 A. Yes.

22 Q. What does Crawford look like?

23 A. Tommy; male white, late 30s,
24 brown hair, clean shaven.

25 Q. Was he in uniform?

1 S. MAURIELLO

2 A. I don't think he was in uniform
3 that night.

4 Q. How was he dressed?

5 A. Gray jacket on, shield,
6 covering anticrime that night.

7 Q. You were wearing a white shirt
8 that night?

9 A. Yes, sir.

10 Q. And Marino was wearing a white
11 shirt?

12 A. Yes, sir.

13 Q. And Captain Lauterborn was
14 wearing a white shirt?

15 A. Yes.

16 Q. How was the Brooklyn North's
17 investigations personnel dressed?

18 A. I don't remember.
19 Plainclothes. That's all I remember.

20 Q. What about Brosschart, how was
21 he dressed?

22 A. Uniform.

23 Q. White shirt?

24 A. I think so.

25 Q. What happened next?

1 S. MAURIELLO

2 A. Standing out there ten to 15
3 minutes later, Officer Schoolcraft, I
4 should say, Adrian Schoolcraft, is
5 walking down the stairs. He was on the
6 phone. He walked down. He made a left.
7 He went towards the EMS truck. Everybody
8 else was coming out the apartment down
9 the stairs behind him.

10 He got by the truck and all of
11 a sudden made a U-turn, and he started
12 running fast and he ran into the
13 building.

14 Q. Did you see him make this
15 U-turn?

16 A. I was watching him, I seen him
17 go down to the EMS truck. All of a
18 sudden, I see him make a U-turn, he
19 turned. The next thing I know he was
20 running up the stairs.

21 Q. Did you overhear anyone say
22 anything either while he was walking
23 towards the truck or when he made the
24 U-turn?

25 A. No.

1 S. MAURIELLO

2 Q. Did you hear anybody say
3 anything as he started heading back
4 towards the apartment?

5 A. I don't think so.

6 Q. Did you tell Lauterborn words
7 to the effect, Teddy, go get him?

8 A. Absolutely not.

9 Q. You believed that he actually
10 ran back to the --

11 A. Walking fast and started
12 running up the stairs.

13 Q. So he walked fast --

14 A. First he --

15 THE REPORTER: You're
16 interrupting him before he finishes.

17 Q. Did he start walking quickly to
18 his apartment; is that what you are
19 saying?

20 A. He U-turned, started walking,
21 then he put a quick pace, like a jog.

22 Q. Up the steps?

23 A. Like 10 feet before coming up
24 the steps. He went up the steps fast.

25 Q. Then what happened?

1 S. MAURIELLO

2 A. Saw everybody followed him up
3 in the building. Everybody disappeared.

4 Q. Who followed him in the
5 building first?

6 A. Brooklyn North investigation
7 maybe and Captain Lauterborn and Chief
8 Marino.

9 Q. Why didn't you go upstairs?

10 A. First time I was involved in a
11 situation, get out of my face, agitated
12 the situation. I'm not going to get back
13 involved again.

14 Q. Did anybody tell you to stay
15 out on the street?

16 A. No.

17 Q. You made that decision on your
18 own?

19 A. Yes, I did.

20 Q. What happened next?

21 A. Fifteen, 20 minutes later I see
22 EMS coming down the stairs, Schoolcraft
23 is sitting down on a chair, like,
24 restrained in an orange chair looking
25 around staring around at everybody.

1 S. MAURIELLO

2 Q. Who else was on the street at
3 the time?

4 A. I believe Lieutenant Crawford
5 was there with me.

6 Q. Were there any civilians on the
7 street?

8 A. There was a bunch of people in
9 the houses on the street. There was
10 people on the street.

11 Q. When you say "a bunch of
12 people," how many?

13 A. People living next door, the
14 landlady, the super on the street away
15 from everything, the people next door
16 were there, some cops.

17 Q. Is it fair to say there were
18 probably five to ten, maybe more,
19 civilians on the street looking at the
20 scene?

21 A. Yeah, away from it, but they
22 are still in the street.

23 Q. What happened next?

24 A. What happened next, EMS took
25 him to the ambulance. Captain Lauterborn

1 S. MAURIELLO

2 told Lieutenant Brosschart to go with him
3 in the ambulance.

4 Q. Did Officer Schoolcraft say
5 anything that you heard?

6 A. No.

7 Q. Did anybody say anything to
8 him?

9 A. Not that I know of.

10 Q. What happened next?

11 A. Everybody came out. We got in
12 the car, went back to the precinct to
13 start the investigation.

14 Q. Am I correct that it was back
15 at the precinct, it was Brooklyn North
16 investigations, those three officers; is
17 that correct?

18 A. Yes.

19 Q. And Chief Marino?

20 A. Yes.

21 Q. And Captain [sic] Brosschart?

22 A. No. Captain Lauterborn.

23 Q. Captain Lauterborn was there?

24 A. Yes.

25 Q. Is that correct?

1 S. MAURIELLO

2 A. Yes.

3 Q. And who else?

4 A. Myself.

5 Q. And was Crawford also at the GO
6 or the PG afterwards?

7 A. No.

8 Q. Who else was at the
9 investigation at the precinct?

10 A. I think they interviewed two
11 people: Sergeant Hoffman or Officer
12 Rodriguez or Reyes.

13 Q. Was anybody else interviewed?

14 A. Not that I know of.

15 Q. It was at that meeting there
16 was a discussion about the fact that
17 Officer Schoolcraft had a tape recorder;
18 is that correct?

19 A. Yes.

20 Q. Who mentioned that?

21 A. Brooklyn investigations might
22 have mentioned it.

23 Q. That was the first time that
24 you heard anybody discuss the fact that
25 Officer Schoolcraft had a tape recorder?

CERTIFIED TRANSCRIPT

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UNITED STATES DISTRICT COURT.
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,
Plaintiff,

Case No:

- against -

10 CV 06005

THE CITY OF NEW YORK, ET AL.,

Defendants.

-----X

444 Madison Avenue
New York, New York

July 1, 2014
10:24 a.m.

CONTINUED DEPOSITION OF STEVEN MAURIELLO,

pursuant to Notice, taken at the above place,

date and time, before DENISE ZIVKU, a Notary

Public within and for the State of New York.

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1 CONTINUED- STEVEN MAURIELLO

2 audiotape. I want to know --

3 A. It was quick.

4 Q. -- since you were there, how
5 long you say you were in his apartment and
6 you're telling me now it was three minutes?

7 A. Five to three minutes about.

8 Q. The next paragraph of your
9 counterclaim, in the second sentence of
10 paragraph 12, it says here "instead they
11 acted on a desire to prevent plaintiff from
12 doing harm to himself and others." You see
13 that reference?

14 A. Yes, sir.

15 Q. I know that you told me that you
16 were acting out of a concern for yourself
17 that Schoolcraft may do harm to himself.
18 You said that in your first deposition,
19 right?

20 A. Yes.

21 Q. You remember that?

22 A. Yes, sir.

23 Q. What's the basis for the
24 statement that anybody was concerned about
25 Schoolcraft harming others?